

RECEIVED

FEB 28 2014

BY MAIL UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Mr. William K. Cole)

)

)

)

(Enter above the full name of the)
Plaintiff(s) in this action. Include prison)
registration number(s).))

v.)

State of Missouri P.N.P. Office)

Vandalia Police C.I. Ammie & O.N.)

• Vandalia US Cellular Record Office)

Missouri P.N.P. Work Charles)

Stevenson P.N.P.)

Vandalia P.D. Police Mickel)

anc King)

)

City of Vandalia)

(Enter above the full name of ALL Defend-)
ant(s) in this action. Fed. R. Civ. P. 10(a))
requires that the caption of the complaint)
include the names of all the parties. Merely)
listing one party and "et al." is insufficient.)
Please attach additional sheets if necessary.)

Case No. _____
(To be assigned by Clerk)

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

I. PLACE OF PRESENT CONFINEMENT:

II. PREVIOUS CIVIL ACTIONS:

A. Have you brought any other civil actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your confinement?

YES []

NO [X]

- B. If your answer to "A" is YES, describe the action(s) in the space below. If there is more than one action, you must describe the additional action(s) on a separate piece of paper, using the same format as below.

1. Parties to previous civil action:

Plaintiff(s):

N/A

Defendant(s):

2. Court where filed:

3. Docket or case number:

4. Name of Judge:

5. Basic claim made:

6. Present disposition (Is the case still pending? Is it closed? If closed, was it appealed?):

N/A

III. GRIEVANCE PROCEDURES:

- A. Is there a prisoner grievance procedure at the institution in which you are incarcerated?

YES ☒

NO ☐

- B. Have you presented this grievance system the facts which are at issue in this complaint?

YES ☒

NO ☐

C. If your answer to "B" is YES, what steps did you take: _____

D. If your answer to "B" is NO, explain why you have not used the grievance system:

N/A

IV. PARTIES TO THIS ACTION:

A. Plaintiff(s)

1. Name of Plaintiff: Mr William K. Cole
2. Plaintiff's address: Jefferson City Correction Center Classification # ~~1002523~~ Staff 8200 No More Victimized Jefferson City MO 65101
3. Registration number: 1002523
4. Additional Plaintiff(s) and address(es): _____

B. Defendant(s)

1. Name of Defendant: Vandalia Police and PD Mickal and King State of Missouri PNP and Worker Charles Stevenson, City of Vandalia and US Cellular Records Office and Vandalia C.I. AMMIE N
2. Defendant's address: _____
3. Defendant's employer and job title: _____

4. Additional Defendant(s) and address(es): City Vandalia MO

V. COUNSEL

A. Do you have an attorney to represent you in this action?

YES ☐

NO ☒

B. If your answer to "A" is NO, have you made an effort to contact an attorney to represent you in this matter?

YES ☐

NO ☒

C. If your answer to "B" is YES, state the name(s) and address(es) of the attorneys you contacted and the results of those efforts:

N/A

D. If your answer to "B" is NO, explain why you have not made such efforts:

NO MONEY

E. Have you previously been represented by counsel in a civil action in this Court?

YES ☐

NO ☒

F. If your answer to "E" is YES, state the attorney's name and address:

N/A

- VI. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. State your claims in numbered paragraphs. You may use additional paper if necessary):

Ok Look Mr. or ms. or Mrs Clerk
look At the Yellow Legal Pad You Will
get What is going on ok

From Mr. William K Cole

1002523

THANK

You

~~we~~

~~we~~

~~we~~

~~we~~

~~we~~

~~we~~

~~we~~

~~we~~

VII. RELIEF

State briefly and exactly what you want the Court to do for you. Do not make legal arguments. (Note: If you are a **state** prisoner and you seek from this Court relief that affects the length or duration of your imprisonment, your case **must** be filed on a § 2254 form.)

WHY IS I do time For A Case is Not
Good on me My time is up and out
I'AM in Doc For What I Need to Be
Home in MI My Mom is in god Home
I Not get to go is my mom God get my mom

VIII. MONEY DAMAGES:

OK

Fuck is go on in Missouri
To Black Man and Women go to court
At Fuck up to B Black

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES ☒

NO ☐

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

IX. Do you claim that the wrongs alleged in the complaint are continuing to occur at the present time?

YES ☒

NO ☐

Mr William K Cole
Signature of attorney or pro se Plaintiff(s)

2/7/2014
Date

Scott Kintner

SCOTT KINTNER
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: March 15, 2016
Commission Number: 12315257

A
Copy of
A COPY
From
Mt. Sterling
Police
Department
145 W Main
St. Mt. Sterling
ILL 62353
Phone 217-
773-3961
A COPY
I set
OK

Mt. Sterling Police Department
145 W. Main St.
Mt Sterling IL, 62353
Phone: 217-773-3961

Reporting officer: M Cremer M-4 Case Number: 10-17-11 MCO
Incident: Phone Harassment

Date time 10-17-11 At 11:50 pm Location: 214 W Main Mt Sterling

Victim: AMMOE C Norvell, DOB 12-4-78, Address 214 W Main St Mt Sterling

Phone 217-440-1978 > suspect: William K Cole, DOB 6-11-62

Address 1009 W. Bland for 200 Gaslight RD Apt 31 Vandalia
MO 63382, MO Doc #1002523

NARRATIVE

I Officer Cremer received a call from A Norvell who told me that today between 8pm and 11pm on 10-17-11 W Cole called her phone 17 times making death threats to her. A Norvell recorded some of the calls he made to her telling her that Halloween is ^{coming} ~~is~~ and he is going to kill her and burh her in her house also he to told her what she was driving with license plate number and her family's vehicles, also her social security number. A. Norvell said that she recently moved and he does not know her new address. I asked A Norvell to play some of the recordings for me and her statement to me was accurate. A Norvell made the recordings on her daughters cell phone. A Norvell has made complaints with the Mt Sterling P.D. over W Cole recently and would like to press charges against. I informed A Norvell to keep the recordings saved. A Norvell also told me that recently in Missouri W Cole was arrested for breaking into her house and strangling her and part of his parole is to have no contact with A Norvell. "I spoke with Vandalia P.D. and they informed me that have had multiple contacts with W Cole and he is to be considered armed and dangerous". ^{caution if} also use extreme ~~caution~~ we make contact if we make contact with him Vandalia P.D. Also said the W Cole has no means of transportation but has been known to steal cars. I called Mr Charles Stevenson who is W Cole Parole Officer (1-573-592-4061) and left

and left a Voice mail For him to Contact ~~me~~ us over the matter. A Norvell gave me a phone number For mCole 1-573 582-288 Which I tried I tried to call but it was Not in Service,

Thank you

PS ~~From~~ From me William K. Cole

In Court on 2/4/13 Court Said Vandelea P.D Police And A Norvell lie on William K Cole And US Cellular Record Soffice lie on ~~me~~ me

The Court and the Prosecuto Attorney Office lie on me William K Cole And You Will see At So Look in see At OK

~~on ~~the~~ ~~case~~~~ ^{For} Thank Case 1. and. 2

Besides keeping quiet to the fact the movant actually did not receive a "deal" to Plead guilty as a result of the guilty plea, Movant is left with the unsavory stigma of being a "Stalker" which the general public perceives to be related to a rapist and the likes. Plea Counsel took full advantage of his Clients inability to rationalized the fact he was pleading to a maximum term, Unknowingly Plea Counsel took full advantage of Morants inability to comprehend the ramifications of pleading to the Stigmatization of a stalker but instead, abused Morants disability by not defending, movant through Proper investigations to get at the truth, keep Morant separated from his Parents not informing the parents or interviewing them presenting manufactured evidence, and threatening the life of his Client when he told him he could receive a lengthy sentence that was not even possible.

In Conclusion to this post Conviction relief, it was never plea counsels intention to get at the truth of the allegations made against his Client, because, he believed his Client to be guilty as a result of bias and prejudice, and used his Clients disability to Confound, Frustrate, and mislead the obvious that Movant had no choice but to Plead guilty or face a lengthy prison term supposably. Morants Plea of guilty was involuntary as a result of plea Counsel's strategy to induce the same

Fighting to get Morant's bond reduced, Counsel instead was continually making statements and arguments to Morant's resistance to making a Plea With the State as the reason it would take him longer to get home to his mother. Plea Counsel used Morant's mother's condition to coerce a Plea of guilty by allowing the excessive bail to stand knowingly, as a result, this is the major reason Morant went ahead and Pleaded guilty, so he could begin the process of getting home to his disabled Mother, because, Morant is the only child of his mother. Upon this action of Plea Counsel the plea of guilty was the result of Coercion and Mentally emotional extortion by Counsel.

I Sue For money and Job. I go For it

1. P.D. of Vandaila Police Mickel \$555,000.00
2. ~~Vandail~~ Vandail Police ^{Office} \$759,000.00
3. Audrain County Prosecuto Attorney Office and Job
899,999.00.
4. Audrain Counta Assistant Publie Der and Job \$899.
999.00
5. Audrain Countas and Job \$999,999.00

OK

From the Amended motion to Vacate, Set aside or
Correct Judgment and sentence ok Look at



~~For~~ Judgment

movant having met the burden of the preponderance of the
Evidence supporting his Claims as out above, this Court
Does hereby order that MOVANT'S Motion to Vacate, Set
ASide, or Correct Sentence and Judgment is sustained
and the Conviction in Audrain County Case Number
11AU-CR00714-01 is Vacated and Set ASide.

Your Missouri Courts Missouri Case net
11AU-CR00714-02-STV William Kendrick Cole 2/14/2013 Answer
Filed Filed By: Jacob W Shellabarger 2/11/2013 Hearing ~~Set~~
Scheduled Scheduled For 3/4/2013; 9:00 AM Wesley Clay Dalton
Audrain Hearing/Trial Cancelled Scheduled For: 3/4/2013; 9:00 AM
Keithm Sutherland; Audrain Order Order REVOKING Assignment of
Senior Judge Filed. Presiding Judge Wesley C. Dalton Will Retain
Jurisdiction of Said Matter. Filed by Wesley C. Dalton. Judge
Assigned 2/8/2013 Writ of Habeas Corpus Order Filed By:
Wesley Clay Dalton 2/6/2013 Writ Requested Filed by: Jacob W
Shellabarger 2/5/2013 Hearing Scheduled Associated Entries
2/11/2013 - Hearing trial Cancelled Scheduled for: 3/4/2013; 9:00 AM
Keithm Sutherland; Audrain 2/4/2013 Guilty Plea Withdrawn
Filed By: William Kendrick Cole Click here to receive
phone /e-mail notices of future hearings on this case

2,

William K. Cole Cause No-11AU-CR00714 OR

Past Conviction 24.035 Attached CIntms

Claims- Ineffective Assistance of Counsel

Facts is Support

1. plea Counsel was ineffective, because, he failed to make the proper investigations into the state's case, in that, had Counsel investigated the states witness he would have discovered, that the state's alleged victim's police reports were rife with deceptive and manufactured statements that lead the reader to believe her relationship with the defendant was not significant, but that, he was someone she had briefly met and that after this brief association, the defendant then became obsessed with her and became offensive by harassing her. Had Counsel performed a reasonable level of investigation he would have discovered that Morant and the alleged victim have been involved in a significant relationship for several years, including helping children with her together, having lived together, financial ties and other intimate relations AS a result of failing to investigate and marshal undiscovered evidence of the close relationship, Counsel was not able and failed to challenge the veracity of the alleged victim's credibility in the first instance, where, had Counsel done so there existed a probability that Counsel could have negotiated for lesser charges or even convince the state the charges were out of revenge and vindictiveness, because, defendant told Counsel the victim was his significant to her and because he had threatened her with legal action, loss of financial support due to her continued drug use around her children she had

Post Convict - 24.035 Attached Claims 1.

1. already successfully had false Charges of burglary brought against him and he plead guilty to those Charges due to the same level of ineffective assistance by Counsel CO Worker P.D Hernandez Counsel's lack of interest in my Case, and, to investigate my Case, was apparent to Morant and induced fear, Misapprehension, as a result of Morant's fears, he plead guilty after being told by Counsel he would receive up to 15 Years if he went to trial and lost. the Plea was Involuntarily Made.

2.

Plea Counsel was ineffective, because, Counsel failed to investigate the alleged Victims background, in that Morant informed Counsel, that, the alleged Victim had a significant drug history, Criminal history and a negative history with DFS regarding Child Care issues, because, the alleged Victims drug use was documented by certain State agencies, as was her Criminal and DFS history that were accessible to Counsel for the purpose of establishing a viable defense predicated upon the alleged Victims Credibility which was very poor. As a result of this failure to provide due diligence, Morant was deprived a viable defense, where, the Credibility of the States Witness was crucial to the States Case and could have been shown to be unbelievable before a jury. As a result of Counsel's inaction, Morant Plead guilty involuntarily.

3,
Plea Counsel was ineffective, because, he failed to investigate the veracity of the police reports in that, Counsel misled Morant to believe that the police reports would hurt his case in front of a jury, because, the police report by the Mt. Sterling Police Department by officer M. Cremer revealed that Morant was considered "armed and dangerous" and "extreme caution" should be used during police contact. Counsel told Morant that if this information went in front of a jury, he would most likely be found guilty because of the nature of the charges. As a result, Morant became fearful and was intimidated by Counsel, because, he knew he had never been arrested for violent crimes, and when it became apparent that Counsel was not willing to prove and discount this claim by investigation, Morant's fear and misapprehension intensified and pleaded guilty involuntarily.

4.
Plea Counsel was ineffective and worked against Movant, because, morants bond was unconstitutionally excessive and Counsel refused to enter and/or obtain a bond reduction hearing instead. Counsel used and took advantage of the fact that Counsel knew morants 74 year mother is in God Home to Day. Day 2014 ok. Mother was very sick even falling ill in court. Yet instead of fighting to get Morants bond reduced, Counsel instead was continuously making statements and Plea with th State as the reason it would take him longer to get home to his Mother Plea Counsel used Movant's Mother's Condition to Coerce a Plea of guilty by ~~allow~~ allowing the excessive bail to stand, knowingly. AS a result, this is the major reason morant went ahead and Plead guilty. So he could begin the process of getting home to his disabled Mother, because Morant is the only Child of his mother. upon this action of Plea Counsel, the plea of guilty was the result of Coersion and Mental a emon and extortion by Counsel.

5.

Mouant's plea of guilty was not voluntarily made, because, Plea Counsel's tactics to induce the Plea became apparent to Morant that they were designed to help the State obtain a Conviction, because, Counsel believed that Morant believed his agreement that Morant could receive up to 15 years in prison for a Class D Felony if he did not accept the plea offer. This false representation only strengthened Morant's resolve, that Plea Counsel was in misconduct and unethical practice against Mouant to benefit the State Prosecutors Case.

From the very beginning, Morant made Plea Counsel aware that he was legally disabled by a profound learning disability due to being dyslexic. And that upon believing that, prior Plea Counsel, P.D. Hernandez, a brother lawyer to Counsel, had duped him previously, Morant repeatedly and every time he had opportunity directed Counsel to consult whatever manner of direction and decisions made to his mother and father. In fact, Counsel was instructed to call Morant's parents prior to every Court appearance and explain to the parents each stage of the proceedings and what Counsel's intentions were based upon, the State's position, so that the parents would be able to help Morant with the ability to rationally understand and have a factual understanding of what was being done to defend him. At no time did Plea Counsel show any interest at no time did Plea Counsel show any interest in making clear his intentions or the State's intentions to Morant's parents, in that, Counsel flatly refused to allow the parents to take part or assist or ensure that Morant was cognizant of the complete nature of the law. Furthermore, Counsel never once even so much as took a statement from Morant or sent even an investigator to investigate any of the claims Morant was making against the victim in his own defense. Neither did Counsel interview Morant's parents who know the person and character of the alleged victim and the significant history of Morant and the victim. In fact, Plea Counsel can not show that he performed not one investigation into the State's case, because, Plea Counsel was biased and

Predjudice against Morant as a result of the previous conviction that surrounded the victim's allegations of burglary assault. It ~~was~~ would seem suspicious that Counsel would engage in conduct that falls far below what a competent lawyer would do in the least. Counsel's actions upon scrutiny of this plea, will show that the only thing Counsel was willing to do was to bring Morant before the Court and hand him over to the State, because, Counsel's actions or lack thereof are clearly indicative of someone who believes Morant is guilty, this is why Counsel led to Morant and told him he faced 15 years in prison if he went to a jury trial. Morant's inmate lawyer proved this could not be possible and showed Morant on the institutional law library computer, that a class D felony carried a maximum 4 years, and ~~was~~^{ironic}ally, Morant, unbeknownst and Counsel never said a word.

To you

2/13/2014

You get a Copy of my
Inmate Account Statement ON
Case From my Case on MCC and
CO Massey and Case Worker Belles
~~Case~~ Case is Cole v. Massey et al No. 2:14-CV
00008-Spm and Case 2:14-CV-00007

1-1/4/2014 2:14-CV-00007 ~~and~~ ERW
2:14-CV-00008spm So You Can Look At my
ACCOUNT From the Case I get in to You
OK Thank You OK
From Mr. Cole William K
~~and You Ge~~

P.S.S. You get Copy ~~of~~ From me on
Audrain ISSUE and Vandaila P.D
You Copy of my Account get From
What You get From me
OK

Thank You
For Your Time